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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/923,702	08/07/2001	Fumitake Yodo	1747		
7590 10/12/2004			EXAMINER		
Jay H. Maioli			FISCHER, ANDREW J		
Cooper & Dunham			ART UNIT PAPER NUMBER		
1185 Avenue of the Americas			ART UNIT	FAFER NUMBER	
New York, NY 10036			3627		

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application N	lo.	Applicant(s)	- Wij			
}		09/923,702		YODO, FUMITAKE	V			
Office Action Summary		Examiner	·- <u>.</u>	Art Unit	<u> </u>			
		Andrew J. Fise	cher	3627				
	The MAILING DATE of this communication app				ess			
Period for	Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1)⊠ F	Responsive to communication(s) filed on 29 Ju	<u>une 2004</u> .						
2a)⊠ T	∑ This action is FINAL. 2b) This action is non-final.							
· -	,—							
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.								
Dispositio	n of Claims							
4)⊠ Claim(s) <u>9</u> is/are pending in the application.								
4a) Of the above claim(s) is/are withdrawn from consideration.								
5) 🗌 C	5) Claim(s) is/are allowed.							
6)⊠ 0	6)⊠ Claim(s) <u>9</u> is/are rejected.							
7) 🗆 🤇	7) Claim(s) is/are objected to.							
8)□ 0	Claim(s) are subject to restriction and/o	or election requ	irement.					
Applicatio	n Papers							
9)□ ⊤	he specification is objected to by the Examine	er.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
 Priority un	nder 35 U.S.C. § 119							
l <u> </u>	cknowledgment is made of a claim for foreign	nriority under	35 I I S C - 8 119/a)-(d) or (f)				
] All b) ☐ Some * c) ☐ None of:	i priority ariaci	00 0.0.0. 3 110(0	, (a) or (i).				
1. Certified copies of the priority documents have been received.								
2. Certified copies of the priority documents have been received in Application No								
3. Copies of the certified copies of the priority documents have been received in this National Stage								
application from the International Bureau (PCT Rule 17.2(a)).								
* See the attached detailed Office action for a list of the certified copies not received.								
Attachment(s	·		_					
	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948)	4)	Interview Summary Paper No(s)/Mail D					
	ation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)		Notice of Informal F	Patent Application (PTO-15	52)			
Paper I	No(s)/Mail Date		Other:					
U.S. Patent and Trac PTOL-326 (Rev		ction Summary	Pa	art of Paper No./Mail Date	10012004			

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson 5,857,020 ("Peterson '020").

Peterson '020 discloses an accounting system having accounting center (16) and a terminal device (70, 98, and 86). The terminal device comprising; a first memory (within card 88, e.g. memory 91); a second memory (within medium 70, e.g. 79); a first controller (86 and 94 within 86); the controller updates the attributes of the distributed information to an unavailable state (e.g. when the expiration time expires, the desired content again becomes unavailable); the controller updates the accounting points stored in the first memory based upon the distributed information (the change in points is a function of the cost of the content accessed); when accounting points are updated correctly; the controller updates attributes of the distributed information from an unavailable state to the available state (i.e. the user can access the desired information and the charge for that access is deducted); and a second controller (modem). The accounting center comprises a third controller (the personal computer ("PC")) adapted to carry out an account processing (updating a user's account such as purchasing more points, inquiring into the number of points available, or receiving points for returned items, etc.) based upon the accounting points transmitted from the terminal device.

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Regarding the system having a connector, it has been well known in peer-to-peer communication networks to include detectors in order to determine whether a portable device is connected to the system. Accordingly, to provide Peterson '020 with a detector would have been obvious for one having ordinary skill in the art at the time of the invention. The motivation for such a change would have been to provide more efficient network protocol method.

Regarding the additional limitation beginning with, "when the detector...", this limitation is merely conditional phraseology; therefore, such a phrase is functional language having no patentable weight. Also, it is noted the system does not positively recite a portable device is attached to the terminal device.

Response to Arguments

Applicant's arguments with respect to claim 9 have been considered but are most in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew J. Fischer whose telephone number is 703-305-0292.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew J. Fischer. Primary Examiner Art Unit 3627